

Topsfield Planning Board

January 4, 2011

Chairman Winship called the meeting to order at 7:48 PM. Board members present were Robert Winship, Janice Ablon, Gregor Smith, Ian DeBuy Wenniger and Jonathan Young. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectmen Martha Morrison and Dick Gandt; Michael Whelan, Lilian Whelan, Scott Jones, Scott Repucci and Linda Repucci

Minutes: Member Gregor Smith made the motion to approve the minutes of December 21, 2010 as written; seconded by Member Jonathan Young, so voted 5-0.

88 High Street: At 8:00PM Chairman Winship called to order the public hearing to consider the application of Michael Whelan for premises located at 88 High Street requesting a special permit pursuant to Article VII, Section 7.03 of the Zoning By-law for the construction of a temporary accessory apartment.

Mr. Whelan informed the Board that he planned to build a new single family home that would incorporate a temporary accessory apartment for his parents. The footprint for the in-law apartment is 650 sq. ft. which is within the By-law guidelines. The Board then reviewed the architectural plans which showed that the apartment would be on the first floor over the garage. Mr. Whelan noted that the septic system had been approved by the Board of Health for five bedrooms; one of which would be for the accessory apartment.

The Board then discussed the topography of the lot with Mr. Whelan and his contractor Scott Jones. Although the lot does not fall within the parameters established by the Stormwater Management By-law, the Planning Board raised its concerns about drainage on the lot due to its slope at approximately 9-10%, and location of the proposed structure, septic system and driveway running in back of two existing lots.

Mr. Scott Repucci, a direct abutter, noted that historically, there has been a stormwater problem on the lot without the addition of the proposed construction. Mr. Jones informed the Board that the contracted engineer Chuck Johnson had addressed the lot's drainage issues on the site plan. Mr. Whelan stated that he wanted to be a responsible neighbor and would provide the Inspector of Buildings with any requested information.

Upon the conclusion of the discussion to the Board's satisfaction, Member Gregor Smith made the motion to approve the special permit for the temporary accessory apartment to Michael Whelan for 88 High Street in accordance with the delivered plans dated December 9, 2010; seconded by Member Jonathan Young; so voted 5-0.

Ground Mounted Solar Panels: The Board discussed the issues concerning ground mounted solar panels. Chairman Winship referred to M.G.L. Chapter 40A, §3 that exempts solar energy systems from unreasonable regulation, except “where necessary to protect the public health, safety or welfare.” It was the consensus of the Board for the Chair to discuss the language of the proposed bylaw concerning a By-right zone and the requirement for site plan review with Renewable Energy Chair George Hall.

2011 Warrant Articles: The Board reviewed the proposed list of articles as amended at the January 4th meeting. (See attachment for details). It was the consensus of the Board to have separate articles for large scale wind energy and ground mounted solar panels with the definitions incorporated within the respective articles. Chairman Winship would address site plan review with Chairman Hall relative to the guidelines established within the current Zoning By-law.

Information Meeting: Selectman Morrison noted that an information meeting prior to the public hearing may be appropriate this year in light of the subject matters being addressed and the creation of an overlay zone for large scale wind energy. She noted that this approach was used in 2008 relative to the creation of the Business Highway North and the creation of the two Elderly Housing Districts, and was very successful in addressing the concerns of the abutting residents. The Board agreed.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator